

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

George Blaisdell

v.

Civil No. 10-cv-432-PB

Elizabeth Lapierre et al.

O R D E R

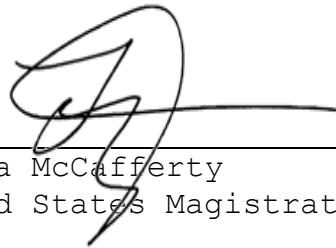
Plaintiff George Blaisdell filed his initial complaint (doc. no. 1) in this case on September 24, 2010. After Blaisdell failed to comply with this court's order to amend his complaint, the matter was dismissed, without prejudice, on May 20, 2011 (doc. no. 6), for failure to file a complaint that complied with Fed. R. Civ. P. 8(a)(2).¹

It has now come to the court's attention that plaintiff filed a "First Amended Complaint" (doc. no. 8) in this matter on September 23, 2011, four months after the action was dismissed. Because the case was closed, no action was taken on the complaint. The court finds that the first amended complaint should have been construed and docketed as the complaint in a new action. Accordingly, the court so construes plaintiff's

¹The order of dismissal also denied Blaisdell's motion seeking until September 24, 2011, to file a "new" complaint in this matter.

amended complaint (doc. no. 8), and directs the Clerk's office to docket it as the complaint in a new action, using September 23, 2011, as the date the complaint was filed, and to proceed with the case as though it had been so docketed in the first instance. Upon receipt of the necessary filing fee or the granting of plaintiff's motion to proceed in forma pauperis, the matter will be forwarded to the magistrate judge for preliminary review pursuant to United States District Court District of New Hampshire Local Rule 4.3(d)(1).

SO ORDERED.

A handwritten signature in black ink, appearing to be 'Landya McCafferty', is written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

October 1, 2012

cc: George Blaisdell, pro se

LBM:jba